

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHRISTINA C. SEIDNER and JARED
MACKRORY,

Plaintiffs,

v.

KIMBERLY-CLARK CORPORATION and
BENEFITS ADMINISTRATION
COMMITTEE OF KIMBERLY-CLARK
CORPORATION,

Defendants.

Civil Action No. 3:21-CV-867-L

AMENDED JOINT MOTION FOR STATUS CONFERENCE

Pursuant to the Court's August 13, 2024 and August 21, 2024 Orders (ECF Nos. 99 and 102, respectively), Plaintiffs Christina C. Seidner and Jared Mackrory and Defendants Kimberly-Clark Corporation and the Benefits Administration Committee of Kimberly-Clark Corporation (together, "the Parties"), by and through their undersigned attorneys, submit this Amended Joint Motion for Status Conference to respectfully request that the Court set a telephonic status conference in this case to discuss reopening the case for the limited purpose of presiding over approval of a proposed class-wide settlement of Plaintiffs' claims.

As the Court noted in its August 13, 2024 Order (ECF No. 99), the Parties have reached a settlement in principle through the mediation process. Although the Court previously struck Plaintiffs' class allegations in this action, *see* ECF No. 83, the Parties, through their settlement, seek to achieve a full and final resolution of Plaintiffs' claims for thousands of participants in the Kimberly Clark Plan. In order to provide relief to a broader group of participants in the Plan and

to provide Defendants with finality and predictability with regard to these claims, a key term of the proposed settlement reached by the Parties is a class-wide resolution of the claims. To effectuate that settlement, the Parties respectfully request that the Court reopen this case for the limited purpose of certifying a settlement class and approving the Parties' proposed settlement. *See* Fed. R. Civ. P. 23(e) (A class action "may be settled, voluntarily dismissed, or compromised only with the court's approval"); *see also* *Union Asset Mgmt. Holding A.G. v. Dell, Inc.*, 669 F.3d 632, 637 (5th Cir. 2012) (affirming class certification order and settlement where proposal to approve settlement class came after district court granted, with prejudice, defendant's motion to dismiss).

Accordingly, the Parties respectfully request a brief telephonic status conference to apprise the Court of the Parties' intention to settle the claims brought in this action as to all Plan participants and to seek the Court's guidance on the preferred procedures and timing for the Parties' motions for preliminary and final settlement approval. In the alternative, and in lieu of a telephonic hearing, the Parties move to reopen the case as contemplated by the Court's August 13, 2024 Order (ECF No. 99) and propose that Plaintiffs file their Motion for Preliminary Approval of Class Settlement within 30 days following entry of the Court's order to that effect.

Dated: August 28, 2024

Respectfully submitted,

/s/ Paul M. Secunda

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CERTIFICATE OF CONFERENCE

Pursuant to Local Civil Rule 7.1(b), the undersigned certifies that Defendants' counsel and Plaintiffs' counsel conferred on August 28, 2024 concerning this agreed motion and the parties agreed upon its submission.

/s/ *Karl G. Nelson*

Karl G. Nelson

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically on August 28, 2024. Accordingly, this document was served on each party who is a registered user of ECF.

/s/ *Karl G. Nelson*

Karl G. Nelson